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*ATTORNEYS FOR PLAINTIFF*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

TRI COUNTY TELEPHONE )  
ASSOCIATION INC., )  
a Wyoming corporation, )  
 )  
Plaintiff, )

vs. )

Docket No. 17-CV-89-F

)  
JOE CAMPBELL and )  
BARBARA CAMPBELL, )  
individuals, and JOHN AND )  
JANE DOES 1-10, )  
 )  
Defendants. )

**PLAINTIFF'S RESPONSE TO  
DEFENDANTS' COUNTERCLAIMS TO PLAINTIFF'S COMPLAINT**

COMES NOW Plaintiff Tri County Telephone Association Inc., a Wyoming corporation, by and through its counsel, Burg Simpson Eldredge Hersh & Jardine, P.C., and hereby submits its Response to Defendants' Counterclaims to Plaintiff's Complaint.

1. Defendants' First Counterclaim, which is contained in their Twenty-First Affirmative Defense, fails to comply with the requirements of Rule 9(b), Fed.R.Civ.P., in

that the allegations of fraud are not set forth with particularity. Further, this Counterclaim fails to comply with the requirements of Rules 10(b) and 13, Fed.R.Civ.P. Plaintiff denies all allegations contained in this paragraph.

2. Plaintiff denies all of the allegations contained in Defendants' Second Counterclaim, which is contained in their Twenty-Second Affirmative Defense. Further, this Counterclaim fails to comply with the requirements of Rules 10(b) and 13, Fed.R.Civ.P., and to the extent it asserts fraud, Rule 9(b), Fed.R.Civ.P.

3. Plaintiff denies all of the allegations contained in Defendants' Third Counterclaim, which is contained in their Thirty-First Affirmative Defense. Further, this Counterclaim fails to comply with the requirements of Rules 10(b) and 13, Fed.R.Civ.P., and to the extent it asserts fraud, Rule 9(b), Fed.R.Civ.P.

4. Plaintiff denies all of the allegations contained in Defendants' Fourth Counterclaim, which is contained in their Thirty-Second Affirmative Defense. Further, this Counterclaim fails to comply with the requirements of Rules 10(b) and 13, Fed.R.Civ.P.

5. Plaintiff denies all of the allegations contained in Defendants' Fifth Counterclaim, which is contained in their Thirty-Third Affirmative Defense. Further, this Counterclaim fails to comply with the requirements of Rules 10(b) and 13, Fed.R.Civ.P.

6. Defendants' Sixth Counterclaim, which is contained in their Thirty-Ninth Affirmative Defense, improperly asserts a counterclaim under Rule 11, Fed.R.Civ.P. when it should be brought, if at all, as a motion. Plaintiff denies the allegations in this Counterclaim and further states it fails to comply with the requirements of Rules 10(b) and

13, Fed.R.Civ.P.

7. Plaintiff hereby denies any allegations not expressly admitted herein.

### **AFFIRMATIVE DEFENSES**

1. Defendants' Counterclaims fail to state a claim upon which relief may be granted.
2. Defendants Counterclaims are barred by the doctrine of unclean hands.
3. Plaintiff reserves the right to raise additional affirmative defenses as more information becomes known in this matter.

WHEREFORE, Plaintiff respectfully requests that this Court deny Defendants' Counterclaims in their entirety and for such other and further relief as the Court deems just and proper.

DATED this 17<sup>th</sup> day of July, 2017.

\_\_\_\_\_/s/\_\_\_\_ Larry B. Jones\_\_\_\_\_  
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Attorneys for the Plaintiff

**CERTIFICATE OF SERVICE**

I, Larry B. Jones, certify that on this 17<sup>th</sup> day of July, 2017, the foregoing was filed using the CM/ECF system which served the following individual:

Drake D. Hill  
Hill Law Firm  
2616 Carey Avenue  
Cheyenne, WY 82001

\_\_\_\_\_/s/\_\_\_\_ Larry B. Jones\_\_\_\_\_  
Larry B. Jones